

# **Figueira Decl.**


## **Ex. 8**

# Attorney Grievance Committees


Attorney Grievance Committees are authorized to investigate, review, and prosecute complaints of attorney misconduct within the Fourth Judicial Department. This agency has jurisdiction over approximately 14,588 lawyers with a 22-county geographic area, with three district offices, located in Syracuse, Rochester, and Buffalo.

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## OVERVIEW

 Appellate Division Rules for Attorney Conduct and Discipline  
<http://www.nycourts.gov/courts/ad4/Clerk/AttyMttrs/atty-discip.html>

 Printable Brochure ([AG-brochure.pdf](#))

 Annual Report (<http://www.nycourts.gov/courts/ad4/AG/AG-ann-rep.shtm>)

All lawyers promise when they enter practice to uphold the law and to be guided by rules of ethics, known as the Rules of Professional Conduct, which have been adopted by our Appellate Division of the State Supreme Court. A lawyer who commits a breach of this code of professional conduct is subject to discipline which, in some cases, could mean suspension of his or her license to practice or even its permanent loss.

Discipline of a lawyer must be considered very carefully since it may drastically affect the lawyer's career, reputation, and ability to earn a living. You can understand, therefore, that it takes more than a claim of unethical conduct to justify the imposition of discipline. It takes evidence-proof of unethical conduct-to justify discipline of a lawyer, just as it takes proof before you or any member of society may be penalized for wrongdoing. Consequently, the investigation of a complaint and disciplinary proceedings are kept confidential pursuant to state law.

An honest disagreement about how a case should be handled-or should have been handled-does not constitute unethical conduct. There can be legitimate differences about fees, of course. If your complaint is found to be a fee dispute, not involving unethical conduct, you will be so advised. You may be referred to a committee on conciliation of fee disputes, which will attempt to assist you and the lawyer to reach a fair settlement of the problem.

Unethical conduct, then, means wrongdoing-a violation of the profession's code of ethics-which can be proved by available evidence.




## What Can I Expect From the Grievance Process?

The grievance process exists to protect the public. Grievance Committee members are not paid for their work. The committees consist of lawyers and nonlawyers, who volunteer to do this work in order to maintain the standards of the legal profession. By bringing a complaint to their attention, you will help the committees achieve that goal. The committees will act to resolve your complaint in a manner that is fair to both you and the attorney.

However, the committees cannot represent you or give you legal advice. They cannot sue an attorney on your behalf, or seek the return of money or property from your attorney. The only matters that will be addressed by the committees are questions of the ethical conduct of attorneys.



## RESOURCES

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-  Professional Ethics Websites (<http://www.nycourts.gov/courts/ad4/AG/AG-links.htm>)
-  The Layers' Fund for Client Protection (<http://www.nylawfund.org/>)
-  Attorney Registration (UCS) (<http://ww2.nycourts.gov/attorneys/registration/index.shtml>)

## FILING A COMPLAINT

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-  General Complaint Form (AD4-Grievance-Complaint-form.pdf)
-  Where to File a Complaint


While the filing of a complaint against a lawyer is a serious matter which should not be undertaken lightly, you need not be an expert on the legal profession's ethical standards before you file a complaint with this office.

If you believe that your lawyer has acted unethically and you cannot resolve the matter with the lawyer, you may file a written complaint with the appropriate Grievance Committee.

The complaint must be submitted in writing with an original signature. Complaints submitted by facsimile are not accepted. No special form or language is necessary. Your written complaint should include all important information. If letters, agreements, or other documents are involved, copies should be included if available. If more information than what you provide is needed it will, of course, be requested. There is no financial cost to you in filing a complaint.

## DISPOSITION OF A COMPLAINT

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-  Report Concerning Letters of Caution and Admonition (<http://www.nycourts.gov/courts/ad4/AG/AG-caution.pdf>)

Your complaint will be first reviewed by a staff member. If your problem is a misunderstanding with your lawyer not involving unethical conduct, the Committee will not inquire further into your complaint. If your complaint appears to be a fee dispute or other minor matter, the Committee will refer your complaint to the local county bar association for resolution. In any event, you will be notified if this office determines that your complaint is not within our jurisdiction.

If the review of your complaint indicates that unethical conduct may be involved, the usual procedure is for our office to send a copy of your complaint to the lawyer for his or her response. You will receive a copy of the lawyer's response to your complaint. If the lawyer's response does not resolve the matter, further investigation will be undertaken.

After the investigation is completed, the Grievance counsel will review the facts and then determine the appropriate action to take. If the complaint is reviewed by the Committee, it can dismiss the complaint, admonish the lawyer, or recommend that the complaint be referred to the Appellate Division of the Supreme Court of New York for formal disciplinary proceedings.

## Disciplinary Decision By The Appellate Division

 Browse Disciplinary Decisions (<http://www.nycourts.gov/courts/ad4/Clerk/Decisions/>)

The Appellate Division has ultimate authority over attorney conduct in this state. This Court may impose discipline ranging from public censure to disbarment, if the charges are sustained. If the Court decides to take disciplinary action against an attorney, the decision will be made public.

## How Long Will It Take?

It is hard to predict just how long it will take to process a particular complaint. Much depends upon the nature of the complaint, but we assure you that it will be handled as quickly and fairly as possible. You will be notified of the outcome.

# ATTORNEY GRIEVANCE COMMITTEE OFFICES

## GREGORY J. HUETHER, CHIEF COUNSEL

See Also: First Department » (<http://www.nycourts.gov/courts/AD1/Committees&Programs/DDC/index.shtml>)  
Second Department » ([http://www.nycourts.gov/courts/ad2/attorney\\_matters\\_ComplaintAboutALawyer.shtml#Grievance\\_Committees](http://www.nycourts.gov/courts/ad2/attorney_matters_ComplaintAboutALawyer.shtml#Grievance_Committees))  
Third Department » (<http://www.nycourts.gov/ad3/AGC/Index.html>)

Complaints against lawyers should be directed to the appropriate Grievance Committee office.

## Fifth Judicial District

Herkimer, Jefferson, Lewis, Oneida, Onondaga and Oswego Counties

224 Harrison Street, Suite 408  
Syracuse, New York 13202-3066

Phone: (315) 401-3344 (tel:+13154013344)  
Fax: (315) 401-3339 (tel:+13154013339)

### District Staff:

Mary E. Gasparini, Principal Counsel  
Dom Cambareri, Principal Counsel  
Sheryl M. Crankshaw, Investigator

## Seventh Judicial District

Cayuga, Livingston, Monroe, Ontario, Seneca, Steuben, Wayne, and Yates Counties

50 East Avenue, Suite 404  
Rochester, New York 14604-2206

Phone: (585) 530-3180 (tel:+15855303180)  
Fax: (585) 530-3191 (tel:+15855303191)

### District Staff:

Mark W. Bennett, Principal Counsel  
Kelly A. Page, Investigator

## Eighth Judicial District

Allegany, Cattaraugus, Chataauqua, Erie, Genesee, Niagara, Orleans and Wyoming Counties

438 Main Street  
Buffalo, New York 14202-3212

Phone: (716) 845-3630 (tel:+17168453630)  
Fax: (716) 845-3632 (tel:+17168453632)

### District Staff:

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Carolyn M. Stachura, Investigator  
Mary E. Davis, Investigator  
Craig E. Semple, Investigator

## GRIEVANCE COMMITTEES 2021-2022 MEMBERSHIP

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Pamela Thibideau, Esq.
Mary Ann E. Wiater, Esq.
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 [Comment \(https://ad4.nycourts.gov/excellence\)](https://ad4.nycourts.gov/excellence) Share your thoughts, comments or suggestions as part of the Court's Excellence Initiative.

**JUSTICES OF THE COURT**

Hon. Gerald J. Whalen

*Presiding Justice* (<https://www.nycourts.gov/courts/ad4/Court/Whalen.html>)

Hon. Nancy E. Smith (<https://www.nycourts.gov/courts/ad4/Court/smith.html>)

Hon. John V. Centra (<https://www.nycourts.gov/courts/ad4/Court/Centra.html>)

Hon. Erin M. Peradotto (<https://www.nycourts.gov/courts/ad4/Court/peradotto.html>)

Hon. Edward D. Carni (<https://www.nycourts.gov/courts/ad4/Court/Carni.html>)

Hon. Stephen K. Lindley (<https://www.nycourts.gov/courts/ad4/Court/Lindley.html>)

Hon. Patrick H. NeMoyer (<https://www.nycourts.gov/courts/ad4/Court/NeMoyer.html>)

Hon. John M. Curran (<https://www.nycourts.gov/courts/ad4/Court/Curran.html>)

Hon. Joanne M. Winslow (<https://www.nycourts.gov/courts/ad4/Court/Winslow.html>)



Hon. Tracey A. Bannister (<https://www.nycourts.gov/courts/ad4/Court/Bannister.html>)

Former Justices (<https://www.nycourts.gov/courts/ad4/Court/former.html>)

## **CLERK OF THE COURT**

Ann Dillon Flynn, Esq. (<https://www.nycourts.gov/courts/ad4/Clerk/bio.shtm>)

Department Directory (<https://www.nycourts.gov/courts/ad4/Clerk/contact.htm>)

## **PROGRAMS AND SERVICES**

Assigned Counsel (<https://www.nycourts.gov/courts/ad4/Clerk/AssignCoun>)

Attorneys For Children (<https://www.nycourts.gov/courts/ad4/AFC/AFC-index.html>)

Attorney Grievance Committees (<https://www.nycourts.gov/courts/ad4/AG>)

Court Examiners (<https://www.nycourts.gov/courts/ad4/Examiners>)

Law Library (<https://www.nycourts.gov/courts/ad4/Library>)

Mental Hygiene Legal Service (<https://www.nycourts.gov/courts/ad4/mhls>)

## **THE FOURTH DEPARTMENT**

History and Overview (<https://www.nycourts.gov/courts/ad4/Court/overview.html>)

Rules of Practice (<https://ad4.nycourts.gov/rules>)

Public Notices (<https://ad4.nycourts.gov/press>)

Probono Policy (<https://www.nycourts.gov/courts/ad4/Clerk/probono.html>)

Careers (<https://ad4.nycourts.gov/jobs>)

## **ATTORNEY MATTERS**

Bar Admissions (<https://www.nycourts.gov/courts/ad4/Clerk/AttyMttrs/baradmin.html>)

Conduct & Discipline (<https://www.nycourts.gov/courts/ad4/Clerk/AttyMttrs/atty-discip.html>)

In-House Counsel (<https://www.nycourts.gov/courts/ad4/Clerk/AttyMttrs/in-house.html>)

Retirement (<https://www.nycourts.gov/courts/ad4/Clerk/AttyMttrs/Attorney-Retirement.pdf>)

Resignation (<https://www.nycourts.gov/courts/ad4/Clerk/AttyMttrs/AD4-VoluntaryResignation.pdf>)

## **M. DOLORES DENMAN COURTHOUSE**

Directions and Parking (<https://www.nycourts.gov/courts/ad4/Chouse/directions.html>)

History and Dedication (<https://www.nycourts.gov/courts/ad4/Chouse/chouse-index.html>)

Virtual Tour (<https://www.nycourts.gov/courts/ad4/Chouse/court-pictures.html>)

## **APPEALS & ORIGINAL PROCEEDINGS**

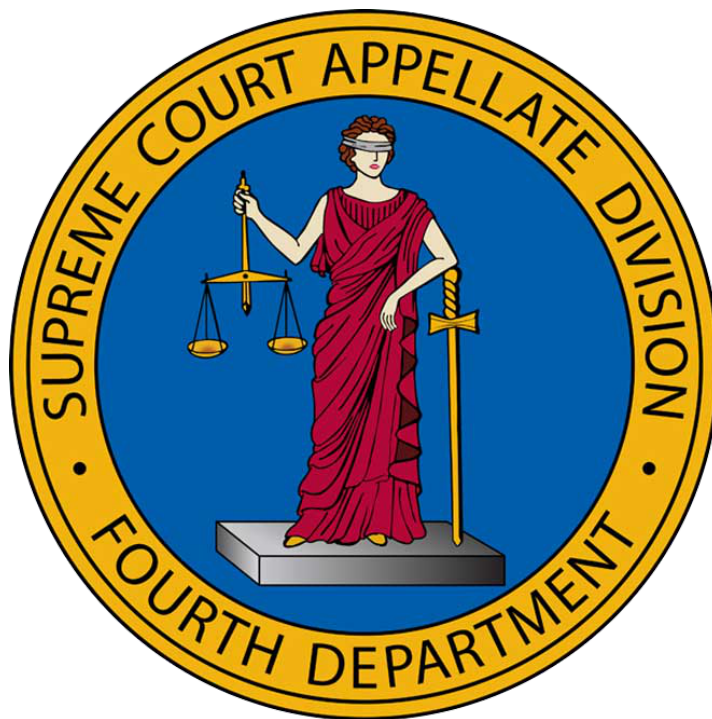
Term Calendars (<https://ad4.nycourts.gov/njs/term>)

Perfecting Appeals (<https://www.nycourts.gov/courts/ad4/Clerk/perfecting>)

Motions (<https://www.nycourts.gov/courts/ad4/clerk/motions/>)

Oral Arguments (<https://ad4.nycourts.gov/njs/term>)

Decisions (<https://www.nycourts.gov/courts/ad4/Clerk/Decisions/>)



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Maps and Directions (<https://www.nycourts.gov/courts/ad4/Chouse/directions.html>)

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